IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7345 OF 2005

Kashinath Raghunath Bagul & ors .. Petitioners

versus

Dr.Rikhabchand Lalchand Pahade & ors..Respondents

Mr.P.K.Dhakephalkar i/b Mr.R.A.Karak for Petitioners

Mr.P.S.Dani for Respondent no.1

CORAM : D.G.KARNIK, J

DATED : 17th February, 2006

P.C.

1. Heard learned counsel for the parties.

2. The petitioner-tenant challenges the judgment and decree for execution passed against him by the lower appellate Court. The trial Court as well as the appellate Court have concurrently passed the decree on the ground of reasonable and bonafide requirement. In addition, the appellate Court has passed a decree on some other grounds.

3. So far as the reasonable and bonafide requirement is concerned, the findings of the

Courts below is concurrent. The respondent no.1 is the defendant. His son has also become a doctor and requires the suit premises for medical practice. The suit premises are commercial premises. In the circumstances, it cannot be held that the finding of reasonable and bonafide requirement concurrently recorded by the Courts is in any way perverse. In the absence of any perversity, no interference in the findings of fact is called for in exercise of writ jurisdiction under Article 226 and 227 of the Constitution of India. Writ Petition is therefore, rejected.

4. At the request of the learned counsel for the petitioner and by consent of the learned counsel for the respondent no. 1, six months time is granted to the petitioner for vacating the suit premises subject to his filing an undertaking on usual terms. The undertaking shall be filed within three weeks.

(D.G. KARNIK, J)